



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 24, 2005, 8:00 p.m.**

MEETING

The Special Joint City Council/Redevelopment Agency Meeting was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Henson.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Halliday, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: COUNCIL/RA MEMBER Quirk

PUBLIC COMMENTS

There were no public comments.

CONSENT

Item 5 was removed for separate vote.

1. Approval of the Minutes of the Special Joint City Council/Redevelopment Agency Meeting of May 17, 2005

It was moved by Council/RA Member Ward, seconded by Council/RA Member Dowling, and carried with Council Member Quirk absent, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of May 17, 2005.

2. FY 2005-06 Annual Paratransit Plan and Gap Fund Application

Staff report submitted by Social Services Planning Manager Korth, dated May 24, 2005, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to adopt the following:

Resolution 05-060, "Resolution Authorizing the City Manager to Submit a Paratransit Plan and Gap Fund Application for the Expenditure of Measure B Paratransit Funds in FY 2005-06 to the Alameda Country Transportation Improvement Authority, and Negotiate and Execute All Documents Related to and in Support of These Activities"

3. Cannery Public Improvements, Phase I, Rejection of Bid and Authorization to Negotiate Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated May 24, 2005, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to adopt the following:

Resolution 05-061, "Resolution Approving Addendum No. 1 Rejecting the Single Bid and Authorizing Procurement of Construction on the Open Market Through Negotiation"

4. Authorization to Reallocate Funds to the Eden Youth and Family Center

Staff report submitted by City Manager Armas, dated May 24, 2005, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to adopt the following:

Resolution 05-062, "Resolution Allocating Funds to the Eden Youth and Family Center"

5. Authorization to Replace Broadcast and Document Cameras in City Council Chamber

Staff report submitted by Deputy City Manager/Director of Technology Services Priest, dated May 24, 2005, was filed.

Council Member Henson asked about the Avidex Corporation and whether the new cameras would be relocated from the current positions. City Manager Armas reported that the cameras will be placed in the present locations and the vendor was experienced in this type of installation.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried with Council Member Quirk absent, to adopt the following:

Resolution 05-063, "Resolution Awarding Contract to Avidex Corporation and Amending Resolution 04-101, As Amended, the Budget Resolution for Fiscal Year 2004-05, Relating to an Appropriation of Funds from the General Fund Undesignated Fund Balance (Fund 100) to Replace the Cameras in the City Council Chambers"

PUBLIC HEARINGS

6. Downtown Business Improvement Area Consideration of Annual Levy

Staff report submitted by Redevelopment Director Bartlett, dated May 24, 2005, was filed.

Redevelopment Director Bartlett outlined the use of this year's levy.



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With no requests to speak, Mayor Cooper opened and closed the public hearing at 8:08 p.m.

Council Member Halliday was pleased to see an event to be held in September and suggested that there be copies of the event in hotels that are approximate to the event.

Council Member Henson suggested a kiosk with a CD that includes the Mayor welcoming the public to particular events. City Manager Armas noted that staff has attempted to install a similar kiosk, but there are still some technical challenges to overcome.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried with Council Member Quirk absent, to adopt the following:

Resolution 05-064, "Resolution Confirming the Annual Report and Authorizing the Downtown Business Improvement Area (DBIA) Levy for Calendar Year 2006"

7. Adoption of Resolution of Necessity to Initiate Eminent Domain Proceedings to Acquire Property Located at 913 B Street (APN 428-0066-002)

Staff report submitted by Redevelopment Director Bartlett, dated May 24, 2005, was filed.

Redevelopment Director Bartlett made the staff report, noting the owner of the property as Gelco Investments with Alfred Antonini as principal. The vacant building was built in 1920. Seismic retrofitting, as mandated by ordinance, was not completed and other City requirements were not met causing the building to be structurally unsafe. She indicated that the Agency is seeking to acquire the property in order to maintain the building continuity along B Street by selling it to a private party with the condition that the building be seismically retrofitted and rehabilitated. She explained the appraisal process. Proper notifications have been issued. A two-thirds vote is required for this action. In response to Council questions, she noted that there currently are fines imposed on the property owner.

Council/RA Member Halliday discussed the current situation of building owners in the downtown and their adherence to the URM ordinance as previously set forth. There was a brief description of the URM ordinances and Executive Director Armas reiterated the process and procedures that the City utilized to notify and assist the URM building owners in securing financing. He noted that there is only one other building not in compliance, but the other one is pending compliance.

Council/RA Member Ward asked that legal staff respond relating to the correspondence received from both the building owner and his representative requesting a continuance. It was his opinion, that it would be unlikely that the owner would be making any progress if the continuance was honored. He

asked if the City was obligated to honor that. It was noted that the appraisal was completed without the ability to access the building and that seismic upgrades on this type of building are generally in the \$100,000 range.

City Attorney/RA Counsel O'Toole emphasized that this action is solely at the Council's discretion.

Mayor/Chair Cooper opened the public hearing at 8:23 p.m.

Jennifer Ferrell spoke on behalf of Mr. Antonini, noting that arrangements for Mr. Antonini to be out of state were scheduled prior to receiving the City notice. She spoke on his behalf and asked that the matter be rescheduled to July 19 or 26. Ms. Ferrell was not able to respond to other Council questions.

Mayor/Chair Cooper closed the public hearing at 8:24 p.m.

There was Council/RA Agency discussion related to further action if the building owner took positive action to retrofit the building and therefore a subsequent resolution to remedy the matter.

Council/RA Member Dowling discussed the seriousness of the eminent domain process. He felt that the owner's request to be continued should be honored and moved a Substitute Motion to reschedule the hearing until July 19th. The building owner would need to demonstrate via a financial bond to prove his seriousness about improving the building. The motion died for a lack of a second.

Mayor/RA Chair Cooper reiterated that the property owner has not made a good faith effort to improve his property.

It was moved by Council/RA Chair Cooper, seconded by Council/RA Member Henson, and carried with Council/RA Member Quirk absent, to adopt the following:

RA Resolution 05-010, "Resolution of Necessity Declaring a Public Need for and Authorizing the Acquisition and Immediate Possession by Eminent Domain Proceedings or Otherwise of Real Property Located at 913 B Street to Mitigate a Blighted Building in Accordance with the Objectives of the Downtown Hayward Redevelopment Agency"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 8:26 p.m., and reminded all of the continuance of the review of the City's Annual Budget on Thursday.



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APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency